



Attorney's Docket No. 99-0225  
Client's Docket No. CMB101

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#11/dpm  
11-8-02  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Re Patent Application of )  
JAMES T DISHON )  
Serial No.: 09/439,332 )  
Filed: 11/12/99 )  
For: MATERIAL CUTTING AND FEEDING MACHINE )  
Examiner: C. Dexter )  
Group Art Unit: 3724 )  
Attorney: Ivar M. Kaardal )  
Deposit Account No. 11-0020 )

Box DAC  
Attention: Office of Petitions  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

1. I hereby petition to withdraw the holding of abandonment in the above-identified case, on the basis that a proper response to the Office Action forming the basis of the abandonment was timely filed with the United States Patent and Trademark Office (U.S.P.T.O.).

2. I hereby state that a proper response (in the form of an Amendment to the above-identified application) was timely filed in the U.S.P.T.O. on October 18, 2001. As proof of the facsimile transmission of the response by counsel and the receipt by the U.S.P.T.O., enclosed are copies of the following documents:

(a) The Amendment paper for the above identified application dated October 18, 2001.

(b) Counsel's facsimile cover sheet addressed to the U.S.P.T.O. Examiner for this application and identifying the application by application number, filing date, and inventor name. The cover sheet

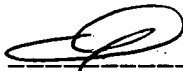
further bears a certificate of facsimile transmission to (703) 305-3579 of the same date as the amendment.

(c) The last page of the aforementioned Office Action showing the facsimile telephone number for the Examiner's Examining Group in the U.S.P.T.O. which corresponds to the facsimile number on the Certificate of Transmission on the aforementioned cover sheet.

(d) The facsimile transmission confirmation sheet generated by counsel's facsimile machine at the time of transmission of the amendment to the U.S.P.T.O. showing that the facsimile transmission was successful.

3. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn, the enclosed response be considered as having been timely made, and the amendment considered in the prosecution of this case.

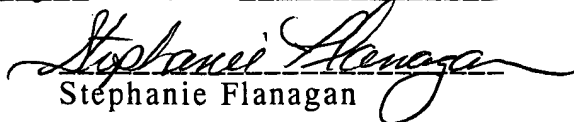
Respectfully submitted,

  
Ivar M. Kaardal (Reg. No. 29,812)  
KAARDAL & ASSOCIATES, P.C.  
3500 South First Avenue Circle, Suite 250  
Sioux Falls, SD 57105-5802  
(605)336-9446 FAX (605)336-1931  
e-mail patent@kaardal.com

Date: 10/8/02

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with proper postage as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on this 8 th day of October, 2002.

  
Stephanie Flanagan



Attorney's Docket No.99-0225  
Client's Docket No. CMB101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of )  
JAMES T DISHON )  
Serial No.: 09/439,332 )  
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For: MATERIAL CUTTING AND FEEDING MACHINE )  
Examiner: C. Dexter )  
Group Art Unit: 3724 )  
Attorney: Ivar M. Kaardal )  
Deposit Account No. 11-0020 )

Honorable Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**STATEMENT UNDER 37 CFR 1.8(b)(3) OF PERSONAL KNOWLEDGE OF  
FAX TRANSMISSION OF AMENDMENT TO U.S.P.T.O.**

I, Stephanie Flanagan, hereby state that I personally faxed to the U.S. Patent and Trademark Office (U.S.P.T.O.) an Amendment for the above-identified patent application on October 18, 2001.

Submitted with this STATEMENT are copies of the following documents establishing the transmission of the Amendment on the aforesaid date.

- 1) The fax transmittal sheet that accompanied the Amendment on the aforesaid date with the "Certificate of Transmission" signed and dated by me, and having the telephone number of the Examining Group listed thereon.
- 2) The report generated by the fax machine from which I faxed the Amendment to the U.S.P.T.O. that indicates that the fax transmission was received at the telephone number indicated thereon, which corresponds to the number listed on the "Certificate of Transmission".

Also submitted with this STATEMENT is a copy of the Amendment faxed to the U.S.P.T.O.

Please contact our office at (605) 336-9446 if further documentation is needed

  
Stephanie Flanagan

Date: 10/8/02

HP OfficeJet  
Personal Printer/Fax/Copier/Scanner



Fax History Report for  
Ivar M. Kaardal  
605-336-1931  
Oct-18-01 4:16pm

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Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Oct 18	4:15pm	Sent	17033053579	0:46	2	OK

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23. A telephone call was made to on to request an oral election to the above restriction requirement, but did not result in an election being made.


Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

24. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.

  
Clark F. Dexter  
Primary Examiner  
Art Unit 3724

cfd  
September 20, 2001